



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 17, 2008

CERTIFIED MAIL

Mr. John Peshek, Owner
B-Vest Properties
154 Olive Street
Elyria, Ohio 44035

US EPA RECORDS CENTER REGION 5



RE: Asbestos and Fire Cleanup Activities
Former General Industries Site
Elyria, Lorain County

Dear Mr. Peshek:

On July 3, 2008, a large industrial fire destroyed the majority of a building complex formerly known as General Industries, located at 154 Olive Street in Elyria, Ohio. It is my understanding that you are the building owner. As we have discussed, the remaining structure and the debris piles have been found to contain regulated asbestos containing material (RACM). This letter is to more formally relay the information covered in our discussions about the impact the asbestos finding has on maintenance and cleanup activities at the site.

Background

On July 8, 2008, Ohio EPA representatives Mr. Robert Princic, Mr. Robert Bechtel and I inspected the fire site for the possible presence of RACM in the buildings and in the existing debris piles. You were present, and allowed us to continue, indicating that you would cooperate with anything that we needed.

During the inspection we obtained ten (10) samples of building material to have analyzed for the presence of asbestos. The samples consisted of pipe insulation from the fire damaged building(s) still remaining on the site, partially burnt surfacing material between the north side property line and the railroad tracks, and in the debris pile along the west side of the property. Results of the analysis showed that samples obtained from the north side of the property line, in the debris pile, and from the pipe insulation in and around the existing boiler room building, contained greater than one percent (1%) asbestos. We observed the asbestos insulated pipes extending into the debris field from the existing middle structure (boiler room), and a sub-basement that appears to extend throughout various areas of the complex. This sub-basement also contained asbestos insulated piping.

Findings

Based on the above information, the site's debris piles contain RACM, and its remaining building(s), as well as the sub-basement, also contain highly damaged RACM. As I have explained to you, it is therefore, Ohio EPA's position that the debris piles are an asbestos-containing waste material (ACWM) and are required to be handled as such. Specific work practice procedures must be taken when disturbing, salvaging, handling and/or removing this debris from the property. Specific work practice and handling procedures must also be taken if any renovation or demolition takes place in the remaining structures.

Required Procedures

Please be aware of the required procedures:

- The ACWM (debris) must be deposited as soon as practical at an Ohio waste disposal site that is permitted to accept RACM, or at a waste disposal site outside of Ohio that operates in accordance with the provisions of the National Emission Standard for Asbestos (NESHAP). This requirement for asbestos waste handling can be found in Ohio Administrative Code (OAC) Rule 3745-20-05(A).
- The ACWM must be adequately wet, and remain wet, so there will be no discharge of visible emissions to the outside air during the collection, handling and transporting of the debris. This standard is found in OAC Rule 3745-20-05(B).
- The waste material shall be sealed in approved spill tight liners/containers, and generator labels must be placed on each liner/container prior to leaving the site. This requirement is found in OAC Rule 3745-20-05(C).
- Appropriate signs must be displayed during the loading of ACWM into the transport vehicles. This is found in OAC Rule 3745-20-05(D).
- Waste shipment records need to be completed for each load of ACWM transported to the approved disposal site. This is per OAC Rule 3745-20-05(E).
- All loads of ACWM shall be prepared and secured in a manner that prevents any visible emissions, load loss, and spillage or leakage of liquids when removing or transporting the debris. This requirement is found in OAC Rule 3745-20-05(G).

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- At least one authorized supervisory representative trained in the provisions of the state and federal asbestos rules and the means of complying with them shall be present during any abatement, removing, handling and/or disturbing of RACM while demolishing or renovating any remaining structure(s), and during the handling/disposing of ACWM from the site. This requirement for asbestos emission control is found in OAC Rule 3745-20-04(B).
- A complete "Ohio Environmental Protection Agency Notification of Demolition and Renovation" form shall be submitted to Ohio EPA NEDO at least 10 working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity, including salvage activities, on any of the remaining structures, and also prior to disturbing, removing, and/or disposing of the asbestos-containing debris on site. The notification shall include, but not be limited to, the date the operation(s) will begin, the handling procedures that will be used to control dust emissions, the liners/containers to be used for sealing the material, the disposal site location and the authorized asbestos representative that will be onsite during these activities. This notification requirement is found in OAC Rule 3745-20-03(A).
- If RACM cannot be removed from the remaining structures or facility components prior to any demolition because the structures are in imminent danger of collapse, all of the ACWM must be kept adequately wet at all times during and after the demolition, and kept wet during handling, loading, transport and disposal at an active asbestos waste disposal site. This is found in OAC Rule 3745-20-05(B)(2).
- Until such time that the debris has been removed from the site, the ACWM must be maintained in a manner that will prevent violations of OAC Rule 3745-15-07, "Public Nuisances Prohibited." One way to prevent a violation of this rule is to keep the debris piles adequately wet.

Similar requirements to those above are also contained in the federal NESHAP for asbestos, 40 CFR, Part 61, Subpart M.

Please also note that on September 19, 2004, the Ohio Department of Health (ODH) revised their rules for asbestos hazard abatement contractors, specialists and other professionals. Per OAC Chapter 3701-34, removing demolition debris contaminated with at least 50 linear feet or 50 square feet of friable asbestos containing material from any site may now be defined as an "asbestos hazard abatement activity" that is required to comply with specific ODH requirements. Please contact Josh Koch or Mark Needham of the ODH Asbestos Program at (614) 466-0061 to discuss this matter further.

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Requested Response

It is my understanding that a fence has been installed around the property to restrict access, and that the City of Elyria has periodically been wetting the onsite debris to minimize the potential for it to become airborne. Within ten (10) days after receipt of this letter, please send a written response that includes all of the steps you are taking, or are planning to take, to prevent the site from causing a public nuisance in violation of OAC Rule 3745-15-07.

If you have any questions regarding this letter, please contact me at (330) 963-1288.

Sincerely,



Jim Veres
District Representative
Ohio EPA Northeast District Office
Division of Air Pollution Control

JV:bo

cc: Dennis Bush, NEDO, DAPC
Tom Buchan, CO, DAPC
Kathryn Boylan, Health Commissioner, City of Elyria Health Department
Phillip Lahetta, Chief Building Official, City of Elyria Building Department
Robert Dempsey, Assistant Chief/Fire Marshal, City of Elyria Fire Department
Mark Needham, Ohio Department of Health